

REMARKS

In the specification, paragraphs [00022] and [00027] were amended to more succinctly describe the invention. Paragraph [00021] was deleted because it duplicated paragraph [00030]. Applicants have amended the claims to enhance the clarity of the invention recited therein. Support for the amendment to Claim 1 may be found in the specification at page 5, paragraph 25. The preamble of Claims 4 – 6, 11- 13 and 23 was amended to make such claims more succinct. Claim 23 was also amended to provide antecedent for “pressure”. Claim 27 has been added herewith. Claims 1 – 27 are now pending in this application. Reconsideration of the patentability of the pending claims is requested in view of the remarks and amendments set forth herein.

I. 35 USC §103 (a) Rejection

Claims 1 – 20 and 23 - 26 stand rejected under 35 USC §103 (a) as being unpatentable over Evans, III (hereinafter Evans) in view of Vasudeva. This rejection is respectfully traversed.

Evans is directed to a clip for a tray and a lid that stores chips. As noted by the Examiner, Evans fails to teach or suggest pressure members extending from the base. Vasudeva fails to remedy the deficiencies of Evans.

Vasudeva concerns pivotable holders (3) for drill bits. A living spring (7) biases the drill bit holder forward to make the drill bits more accessible. The holder (3) is not restrained by spring (7) from lateral movement. Accordingly, the living spring (7) fails to provide “pressure on a perimeter of [a] stack”. Moreover, the living spring does not clamp a “stack between each of the pressure members and part of the channel structure” as recited in claim 1. Even if Vasudeva’s spring (7) met the recitations of the pressure members of Applicants’ invention, the skilled artisan would not consult the drill bit art for ideas on improving Evan’s clip since Evans is directed to clamping a tray-and cover stack that contains electronic chips.

It is well established that in order to rely on a reference as a basis for rejection of an invention, the reference must be reasonably pertinent to the particular problem with which the inventor was concerned. See In re Oetiker, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The present invention solves a different problem than Vasudeva. Vasudeva is concerned with moving a bit holder into a more accessible position by pressing the holder forward with living springs. By contrast, the present invention aims at restricting lateral and vertical movement of a stack of trays so that the contents of the trays are maintained within the pockets. (See page 4, specification.) Due to the lack of similarity between Vasudeva's springs and Applicants' pressure members, it is submitted that the skilled artisan would not have consulted Vasudeva to improve on the clip of Evans. Since Vasudeva pertains to nonanalogous art, the 35 USC 103(a) rejection is inappropriate. Therefore, Applicant respectfully requests that the 103(a) rejection of claims 1-20 and 23 – 26 be withdrawn.

II. Claims 21 and 2 are patentable over Evans in view of Wentland

Claims 21 and 22 stand rejected over Evans in view of Wentland under 35 USC 103(a). This rejection is traversed for the reasons set forth below.

Evans omits resilient members in the clip that is disclosed. Wentland concerns an enclosure for a printed circuit board. At best Wentland discloses a tray and a cover for a circuit board. In which case, Wentland fails to disclose an apparatus comprising pressure means attached to first and second protrusion as recited in claim 21. In short, Wentland lacks anything like the clip in Evans for restraining the circuit board enclosure. Furthermore, Wentland's cover applies pressure to devices mounted on a circuit board, whereas the claims recite applying "a force to urge the stack into contact with a portion of the vertical restraining means." In addition, the pressure means of the present invention contacts the combination of a tray and a cover, rather than the contents in the stack. Moreover, resilient members 40 are not attached to first and second protrusions as recited in claims 21 and 22. Instead, resilient members are manually inserted into a groove and positioned where needed (Wentland at col. 4, lines 54 – 58). It would be impractical to

incorporate the manual steps of Wentland into Evans since the Evans clip is not readily combinable with the circuit module enclosure of Wentland. Consequently, Applicants request that the 103(a) rejection of claims 21 and 22 be withdrawn.

Applicants submit that all of the pending claims are in condition for allowance. Accordingly, Applicants look forward to receiving a Notice of Allowance for the claimed invention. The Examiner is encouraged to contact the undersigned at (510) 449-0119 if any matters remain to be discussed concerning the allowance of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Isabelle R. McAndrews', with a stylized flourish at the end.

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